cdfa CALIFORNIA DEPARTMENT OF FOOD & AGRICULTURE
A. G. Kawamura, Secretary

October 21, 2008

The Honorable Jackie Speier
U.S. House of Representatives
2413 Rayburn House Office Building
Washington, DC 20515

Dear Ms. Speier:

Thank you for inviting the California Department of Food and Agriculture (CDFA) to participate in your forum on light brown apple moth (LBAM). It was a very constructive discussion on how both CDFA and USDA review and address pest risks to California.

We want to assure the public that CDFA invasive pest management scientists conduct extensive research, consult technical experts worldwide, evaluate environmental and economic impacts, carefully screen for potential public health issues, weigh all options and only then select the safest and most environmentally friendly method. New legislation and the California Office of Environmental Health Hazard Assessment (OEHHA) phone-bank system will improve our outreach efforts and response to the public's concerns. As the department implements these new protocols we will be sure to re-evaluate these systems for improvement.

Interceptions at California's Points of Entry:
Interception of pests at California's borders is the most cost effective and least intrusive method of controlling the introduction of invasive species. Successful interception is in proportion to the resources dedicated to this task. The CDFA has worked closely with the USDA and federal Customs and Border Protection (CBP) to ensure that resources dedicated to agricultural inspections are used to accomplish the safeguarding mission. Senator Feinstein and the CDFA have been strong advocates for strengthening our pest detection and exclusion activities at our points of entry. I would appreciate your support in this effort.

Just one example of the need for vigilance can be found in intercepted mangoes from India in 2007. A canine team in Southern California was inspecting packages at a domestic parcel facility near the Ontario International Airport when the dog alerted officials to a parcel from India labeled as women's clothes. The parcel actually contained prohibited mangoes from India. CBP was alerted and subsequently found several other smuggled shipments of mangoes destined for receivers throughout California. Mangoes from India can be hosts for the same types of exotic fruit flies that

are introduced into and eradicated from California every year. The canine team is a part of California's Pest Surveillance Canine Inspection Team (PSCIT) Program, which is a federally funded pilot project between the USDA, CDFA, and county agricultural commissioners that uses canines to sniff out domestic parcel shipments that may contain smuggled fruits, vegetables, and plants that could contain pests and diseases.

Based upon the success of the PSCIT pilot project, CDFA intends to request "early plant pest detection and surveillance" funding from the federal Farm Bill in order to expand the number of canine teams in the PSCIT program and to increase safeguarding activities for domestic points of entry. I would appreciate your support of our request.

Costs of LBAM eradication using Sterile Insect Technique (SIT) versus pheromone disruption:
The sterile insect technique (SIT)—the central element of the LBAM eradication project—is a proven form of biological control. The CDFA has used SIT to eradicate the Mediterranean fruit fly, the Mexican fruit fly, and the pink bollworm. Area-wide LBAM eradication using aerial pheromone release for mating disruption was projected to cost up to $150 million per year for a minimum of five years. The cost for the SIT is projected to be about $10 million per year for sterile release once the program is in full operation. There would also be an initial one time cost for a SIT rearing site, estimated to cost approximately $35 million. USDA and CDFA selected SIT because it is environmentally friendly, safe to public health and effective.

Decision Making Process:
The decision to eradicate an invasive pest, weed or disease rests with the Secretary of the CDFA for a state-listed pest and with the joint Secretaries of the CDFA and USDA if it is a federally listed pest. The Secretary(ies) considers input and advice from many quarters before arriving at such an important decision. The process includes gathering information, consulting technical experts, conducting environmental and economic evaluations, evaluating potential public health impacts, considering options and alternatives, and selecting the most efficacious and safest method. CDFA and USDA's authorities can be found in both statute and regulation.

The Governor recently signed AB 2765 (Huffman) and AB 2763 (Laird) into law. Accordingly, CDFA will now consult with other agencies, complete additional outreach and a make broader notification to the public. These new laws and OEHHA's improved phone-bank will enhance the Department's notification systems and thoroughly address any potential health concerns. We will continue to re-evaluate these protocols for improvement.

Request to release all ingredients in the OLR-F formulation:
The CDFA contacted the manufacturer, Suterra, about the release of all ingredients in the Checkmate OLR-F formulation. Suterra responded that they had released the ingredients, including inerts, under confidentiality to the US Environmental Protection Agency and the California Department of Pesticide Regulation (CDPR). Suterra responded that the agencies had reviewed the data and determined the product could be used in a safe manner before proceeding with registration. Therefore, Suterra respectfully invoked their trade secret rights and declined to reveal the ingredients to the public.

Before products are approved for use, scientists with the US EPA and the CDPR review product formulations (including inerts). Products are approved once it is determined that they can be used safely.

Does Prop 65 preempt FIFRA?
The OEHHHA reviewed the ingredients in the formulated LBAM pheromone products and determined that none are on the California Proposition 65 list.

To the degree that Proposition 65 imposes labeling requirements that are different from FIFRA's requirements, FIFRA would preempt Proposition 65.

Closing
Please join me in increasing CBP's pest detection and exclusion activities at our points of entry and expanding the canine teams in the PSCIT program. I look forward to working with you in the future on improving our outreach to the public on issues that are critical to Californians. Please feel free to contact me with any further questions or concerns.

Sincerely,

A.G. Kawamura
Secretary

cc: Senator Boxer
Senator Feinstein
Congressman Costa
Congresswoman Eshoo
Congressman Farr

JACKIE SPEIER
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OVERSIGHT AND INVESTIGATIONS

Congress of the United States
House of Representatives
Washington, DC 20515–0512

November 14, 2008

Chris Green, Ph.D.
Department of Conservation
Technical Support Officer
Biodiversity (Invertebrates)

Mike Butcher, Ph.D.
Technical Manager
Pipfruit NZ Inc.
PO Box 11094
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Ms. Philippa Stevens
Group Leader
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Dear Dr. Green, Dr. Butcher, and Ms. Stevens:

As you may know, areas within Northern California have been designated as infested with the Light Brown Apple Moth (LBAM). The California Department of Food and Agriculture (CDFA), acting in coordination with the United States Department of Agriculture (USDA), began an eradication effort last year. The eradication effort eventually involved the aerial application of the pesticide Checkmate, as well as other measures intended by CDFA/USDA to eradicate the moth. Aerial spraying over urbanized areas has since been halted and sterile moths and other measures are being considered or actually being undertaken.

I am writing to you as a result of a public forum that I held in late September. During that forum, I was encouraged by members of the public to seek information from New Zealand about how the moth is controlled in your country and about its impact upon commercial and native plants. Your names were provided to me by Dr. Daniel Harder, Executive Director of the Arboretum at the University of California, Santa Cruz.

I would appreciate knowing, from your individual perspectives, the ways in which you control the moth, and the impacts of the moth. Here are some of the questions that my constituents raised. Brief information that you could provide about any of these questions would be greatly appreciated.

a. Would you recommend attempting to eradicate the LBAM in an infested area?

b. If so, would you recommend the aerial application of Checkmate or any similar pheromone-based product over widespread urbanized areas characterized by significantly different weather patterns, different elevations and physical impediments, different habitats, etc.?

c. What eradication or control methods do you practice?

d. Have these generally been successful?

e. Do you perform eradication or control because of concern about the commercial impact of an LBAM infestation or because the moth threatens to significantly damage native species or perhaps for both reasons?

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f. What crops are generally impacted by the LBAM?

g. What proportion of crop acreage either suffers economic damage or is routinely treated for LBAM?

I recognize that each of you has your respective duties in New Zealand and that this inquiry is arriving without prior notice, and that it may take some time to respond. I also respect the fact that you may not have time to respond, given your duties. However, the public in my region has been engaged in a process of public and regulatory discussion with authorities over whether it is appropriate to eradicate the LBAM, whether it is preferable to simply attempt to control it without hoping for eradication, and in any event what steps are efficacious when dealing with the moth. Any information that you could provide with respect to the questions within this letter would likely be of benefit to all who are concerned about this matter. I sincerely appreciate any insights that your experience may provide, and the time that it may take to respond.

All the best,

Jackie Speier
Member of Congress
U.S. House of Representatives (CA-12)

cc: Mr. Jim Walker, HortResearch
Mr. Peter Shaw, HortResearch

10 December 2008

Jackie Speier
Member of Congress
US House of Representatives (CA-12)
2413 Rayburn house Office Building
WASHINGTON DC 20515-0512
United States of America

Dear Congresswoman Speier

Re: your letter of 14 November regarding LBAM management in New Zealand

Thank you for your letter and request for comment. The LBAM situation in California is one we have been following and have received several requests for advice from various bodies and organisations. Biosecurity for any production and natural system is important but identification of when Biosecurity has failed and naturalisation of an organism has occurred is just as important to recognise. The different scenarios require quite different management approaches.

With respect to your specific questions they are answered specifically from the perspective of the NZ Pome Fruit sector (Pipfruit NZ Inc.). It must also be stated here that some of your colleagues and public may see my comments as coming from a 'vested interest' group but I have tried to present a fair and impartial view of LBAM in my responses to your questions.

a. I would consider eradication of LBAM from the locations it has been found in California to be an extremely optimistic goal.

This is because of the generalised leaf feeding habits of the insect larva – it is a cosmopolitan feeder on a large range of plant species and leaf types; Additionally, bylaws in the Monterey Bay Marine Reserve area preventing chemical intervention along riparian forest strips will ensure populations remain in these refugia; the apparent widespread distribution of the organism implies

- LBAM has obviously been in CA for a long time (given what we know of its rate of distribution in our orcharding systems, maybe 100-200 metres for females and up to 2 kilometres for males);
- LBAM has been redistributed on plant material
- distribution is the result of multiple incursions.

If crop damage has not been noted in that time then any impact of LBAM on CA horticulture is more than likely being regulated by current production programmes for US native tortricid leafrollers, background predation from endemic predators and possibly generalist parasitoids from amongst the CA tortricid fauna. Alternatively its present distribution is not associated with horticultural enterprises.

b. I cannot comment on the aerial application of CheckMate™ mating disruption pheromone as the product is not available for use in NZ.

Aerial pheromone application is an untested 'management' option let alone option for use in an eradication programme. When the topography, wind patterns and wind speed of CA are taken into account (they will combine to influence the dispersion of the pheromone plume) along with the generally short lived effect of an aerial application of pheromone (compared to say mating disruption dispensers placed within a defined area) aerial application probably

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should remain on the experimental list until such time experimental work is completed and the efficacy proven. California however, is in a prime position to lead this type of incursion response research.

Other LBAM pheromone products are available in NZ and are not, by themselves, considered efficacious enough as LBAM management systems to allow this sector to meet the nil tolerance of LBAM set by the USDA for pre-clearance of NZ apple shipments to the US.

c. We do not practice eradication, the NZ pome fruit sector follows a fully integrated pest management programme. LBAM is 'background managed' to very low natural levels by a complex of native and introduced hymenopteran parasitoids (Ichneumonid and Braconid wasps).

The only reason NZ pipfruit growers apply additional management practices for LBAM is because of the Catergory A quarantine status (Nil Tolerance) classification LBAM received from the USDA. To meet a nil tolerance in the US market our growers have to try and achieve nil interceptions of LBAM in our orchards. They undertake applications of highly effective insect growth regulator insecticides (IGRs) at key LBAM phenological timings including flight periods monitored with the use of pheromone baited delta traps. The IGRs we use are lepidopteran specific and environmentally sound options with no impact on our important natural enemies.

The broad spectrum organophosphate (OP) insecticide approach being undertaken by the USDA as a requirement for horticultural enterprises within LBAM incursion zones would negatively impact any developing biocontrol system.

Eradication is a Biosecurity concept that is highly dependent on several factors: monitoring to confirm early identification of an incursion, confirmed limited distribution, suitable products available to ensure that eradication is both possible and practical, and a monitoring programme to confirm eradication. Eradication is further complicated when a quarantine pest has been found in or will readily migrate to urban areas. Treatment is not always possible, or possible with the most efficacious product or mechanism.
Containment is also very difficult to achieve for many of the same reasons and the need for a monitoring programme to remain in place to confirm containment. If an organism is widespread, containment is increasingly more difficult if not impossible.

d. The success of the NZ pome fruit LBAM programme is highlighted in the very low incidence of LBAM in the overall sample size inspected for USDA preclearance prior to shipment to the US each year.

To give an example; in the 2008 NZ export season (fruit grown between September 2007 and May 2008) the USDA preclearance programme inspected approximately 14.6 million individual fruit and found evidence of LBAM in just 30 fruit - 20 of the 30 from organic production sites where mating disruption with LBAM pheromone is supplemented with applications of USNOP compliant treatments. (Obviously the inspection lots those fruit came were not exported to the US). That is an incredibly low interception frequency of 0.000002 larvae per fruit (or 1 larva per 500,000 fruit per rejected consignment).

e. Management of LBAM is specifically in response to the USDA classification of LBAM as a category A quarantine pest.

LBAM larvae are leaf feeding insects and therefore presence on fruit is a very rare event. While this sector maintains a management programme for LBAM it is in response to an international phytosanitary requirement, not a concern over commercial losses to fruit crops. It should be noted that when the NZ industry followed a nil tolerance LBAM phytosanitary programme in the 1980s the reliance on broad-spectrum OP insecticides ensured the lack of biocontrol development. Although LBAM was controlled in the sprayed crop, up to 30% crop loss occurred in unsprayed apple trees due to the wider impact of these insecticides on biocontrol.. Once NZ moved away from broad-spectrum OPs for LBAM management in the

mid 1990s and introduced a series of parasitoids (one tachinid fly and two ichneumonid hymenoptera) from Australia that complemented endemic parasitoids, biocontrol took over as a successful management system for LBAM. As a result of the biocontrol complex acting on LBAM crop loss in untreated trees today is below 1%-2%.

It is my understanding that New Zealand native forests, although containing a diverse flora, are only minor habitats for LBAM – I am unaware of any large scale native forest loss or damage due to LBAM since it was discovered in NZ. I am sure Dr Green will address the impact of LBAM on the conservation estate with more authority than myself.

f. LBAM is not a major <u>damaging</u> pest of pome fruit crops in NZ but is a major <u>quarantine</u> pest for export of those fruit to the US

As stated earlier LBAM larvae are leaf feeders and are rarely detected on fruit. Any damage to fruit is cosmetic as the larva binds a leaf to the fruit surface with silk and feeds on the fruit and leaf surfaces. Occasionally, LBAM larvae will shelter in fruit calyces posing a quarantine risk under USDA phytosanitary requirements.

g. The US component comprises about 12% of the NZ export pome fruit crop.

Many NZ growers keep their export market options as wide as possible during production so closer to 80%-90% of the production area would be treated to enable the fruit to comply with the phytosanitary requirements stipulated by the USDA. As you can see much of that crop does not go to the US but other markets (Europe including the UK take 65% of the pome fruit export crop annually but prefer smaller sized fruit than does the US market therefore only the larger count sizes are sent to the US).

I trust this commentary addresses your questions.

Yours sincerely

Michael R Butcher (Dr)
Technical Manager

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USDA

United States Department of Agriculture

Animal and Plant Health Inspection Service

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Riverdale, MD
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NOV 18 2008

The Honorable Jackie Speier
U.S. House of Representatives
2413 Rayburn House Office Building
Washington, D.C. 20515-0512

Dear Congresswoman Speier:

The U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) is very appreciative of the opportunity that afforded us to participate in the September 30, 2008, forum on Light Brown Apple Moth (LBAM) and other exotic plant pest issues of concern to California. We are grateful for the opportunity to inform Californians in your district about our activities, in close cooperation with the California Department of Food and Agriculture (CDFA), County Agriculture Commissioners, and other pertinent State and Federal agencies, to safely eradicate LBAM and prevent the introduction of other harmful exotic plant pests into California.

To followup on some of the matter discussed during this forum, we have enclosed several documents to provide you more details about certain aspects of our efforts to protect California from pests such as LBAM and exotic fruit flies. First, because of interest in understanding APHIS' authority in light of the recently enacted California Assembly Bills 2763 and 2765 related to eradicating, controlling, or managing invasive pests, we provide a discussion of our authorities in these areas under the Plant Protection Act. Second, we have enclosed a document that explains how and in what manner APHIS establishes groups of scientific subject matter experts to support plant pest programs. Third, we have enclosed two documents that explain the heightened likelihood of occurrences of exotic pest introduction associated with globalization and provides data on exotic fruit fly introductions at California's international ports of entry. Finally, we have enclosed a table listing the APHIS' publication of Environmental Assessments, as required under the National Environmental Policy Act, associated with the LBAM eradication program in California.

We hope you find these documents helpful. Further, we welcome you to call upon us to answer any further questions you may have about our efforts, in cooperation with CDFA, to eradicate LBAM and protect California's natural resources and agricultural productivity from this and other such harmful invasive pest species.

Sincerely,

/S/

Rebecca A. Bech
Deputy Administrator
Plant Protection and Quarantine

5 Enclosures

cc: Ms. Rebecca A. Bech, PPQ, Wash., DC w/cy of inc.
Ms. Felicia Stepney, LPA, Riverdale, MD w/cy of inc.

FINAL:APHIS:LPA:kc:11/7/08:734-7776:Rep.SpeierLBAMltr:CC1877

5 Enclosures: CC1877, CC1877A, CC1877B, CC1877C, CC1877D

Clearances:
EC_____
LPA_____
PPQ_____
OGC_____
OA_____
PPQ104

Attachment 2

U.S. Department of Agriculture
Animal and Plant Health Inspection Service

Sources of Technical and Scientific Expertise Used by APHIS-PPQ:

The Plant Protection and Quarantine (PPQ) program of the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) works with other Federal agencies; State, Tribal, and local governments; and industry to implement coordinated actions designed to contain, control, or eradicate outbreaks of exotic and economically impactful plant pests. Gatherings of technical and scientific expertise in different forms are an important component of PPQ's emergency response and recovery.

PPQ uses scientific and technical experts to:

- address emergency phytosanitary issues;
- evaluate scientific aspects of risks posed by specific plant health threats;
- evaluate technical appropriateness of regulatory policies or actions; and
- identify research needs and priorities.

Our ability to draw on the expertise of the scientific community allows the following:

- increases credibility of programs since actions and policies are anchored to science;
- optimizes use of resources by identifying scientifically supportable program decisions, alternatives and research needs;
- increases transparency of regulatory issues by drawing the focus to an objective scientific dialogue;
- helps to guide program actions toward the most current appropriate technological developments;
- provides a mechanism for expert elicitation when direct scientific data are lacking or when evidence is unclear.

Types of technical and scientific groups convened by APHIS-PPQ: There are three basic types of groups PPQ can form to obtain scientific expertise to address complex plant pest issues. These groups often have different roles and goals, and vary in participants and outcome, although there is some overlap and similarity in these terms. These three types of groups include:

Technical Working Group (TWG): PPQ and cooperators are often confronted with invasive plant pests that are introduced for the first time into the United States. This may require the need for the assembly of a TWG, which is an ad hoc group of subject matter experts, to provide PPQ with timely technical information about the particular pest or disease to which the response is being mounted. TWGs may also be assembled for strategic purposes to address issues that require mid- to long-range scientific planning or deployment of technology to solve problems. PPQ's Center for Plant Health Science and Technology (CPHST) provides leadership in assembling TWGs. Although TWG recommendations are not binding, its charge is to respond to technical questions that PPQ and cooperators pose. Its membership consists of scientific/subject matter experts from Federal and State agencies, universities, private sector, and/or international organizations who synthesize science-based answers. Ideally, the core

members of the TWG are identified and consulted at the outset of the emergency to address scientific and technical questions in support of the emergency response. The TWG may have a single meeting or continuing meetings and teleconferences as often as necessary to provide timely technical information in support of the emergency. The role of the TWG is solely to provide scientific and technical support to PPQ. TWGs were established in the recent past by PPQ to support the following plant pest programs: Light Brown Apple Moth (*Epiphyas postvittana*), Potato Cyst Nematode (*Globodera pallida*), Gladiolus Rust (*Uromyces transversalis*), Asian Longhorned Beetle (*Anoplophora glabripennis*), *Phytophthora ramorum*, and Plum pox virus. There are instances where other terms—including Strategic Science Panel, Science Panel, Technical Expert Panel, Scientific Working Group, and Emergency Science Panel—are or were used to identify a group of scientific experts gathered by APHIS to perform the role of a TWG. Nevertheless, TWG is the preferred term and PPQ has moved to standardize its use.

Workshops: Workshops, sometimes called symposia, are organized meetings sponsored by PPQ to discuss a general, rather than specific, phytosanitary topic related to plant health safeguarding. Workshops may be organized and attended by PPQ officials or may include a broad array of participants from USDA or from external organizations, such as the National Plant Board, industry, States, or other stakeholders. Examples of recent workshops include a November 2008 Workshop on Microbial Biopesticides and Transgenic Insects and Enhancing Regulatory Communication; a September 2007 National Biological Control Workshop; and a July 2007 Potato Cyst Nematode Symposium.

Science Advisory Committee: A Science Advisory Committee, sometimes synonymously called a Science Advisory Panel, Regulatory Advisory Panel, or Technical Advisory Panel, is a fixed group of regulatory and policy officials, and scientists, with a chairperson that meet as necessary to discuss specific issues directly related to regulations and rule-making to identify options or produce recommendations, strategies, and responses for USDA consideration. Under the requirements of the Federal Advisory Committee Act, these groups are typically chartered by the Secretary of Agriculture, have by-laws, and involve a nomination process for membership, post announcement of nominations for membership in the Federal Register, limit terms of service for members, and adhere to requirements for public documentation of meeting proceedings and reports. Examples of such Advisory Committees include the USDA Advisory Committee on Biotechnology and the 21st Century; the Advisory Committee on Agricultural Statistics; and the National Advisory Committee on Meat and Poultry Inspection. The need for PPQ would be rare, for most plant health safeguarding issues or activities requiring scientific and technical expertise can be addressed via a TWG or Workshop.

Attachment 2

The following table summarizes key features of information sources used by APHIS-PPQ.

Feature	Technical Working Group	Workshop	Science Advisory Committee
Circumstances	Formed to address complex phytosanitary issues, such as high-impact invasive pest species detected in the United States or ongoing scientific and technical consultation on regulatory efforts. Also can address the recognition of a void in strategic plans for PPQ, such as anticipation of eventual introduction of a new high-impact pest	Topic of current scientific and technical interest	Significant regional pest problem
Trigger (i.e., Who initiates formation of group?)	PPQ CPHST at the request of PPQ Programs Managers or the PPQ Executive Team	Typically, at the request of PPQ Program Managers, CPHST, the National Plant Board, or other external stakeholders	At the request of the National Plant Board, Congress, or the Secretary of Agriculture
Panel Formation (i.e., Who convenes group and sets agenda?)	CPHST	CPHST	Panel Convener
Duration	Initial meeting under emergency response, may be a one-time event to address a specific issue, or continue as situation evolves, regulatory program develops, etc.	One-time event to address a general issue	Ongoing advisory role for a significant regional pest problem
Participants	Variable - Scientific and technical subject matter experts. May include regulatory officials from USDA, States, Local Governments, Native American Tribes, industry, academia, or other stakeholder groups	Variable - Scientific and technical subject matter experts and regulatory officials from USDA, States, Local Governments, industry, academia, or other stakeholder groups	Typically regulatory officials from USDA

Outcome (Deliverable)	TWG reports provide scientific and technical insight to regulatory officials. Evaluation of Action Plans for plant pests or pathogen of immediate concern and recommendations for research. Issues a technical summary of the panel's subject matter, recommendations, and identification of research needs.	Proceedings from meetings, generally abstracts, are issued, although this can include a peer-review process for publication.	Recommendations for pest mitigations and the division of USDA and cooperator responsibilities. Issues a technical summary of the panel's subject matter, recommendations, and identification of research needs. Deliverables must be formally considered by USDA.
Obligations	Seeks best available current scientific and technical expertise and information on a phytosanitary issue, with goals of objectivity, balance, and transparency in the process	Seeks best available current scientific and technical expertise and information on a general topic.	Obligated to publicly disclose participants, findings, and recommendations, goals of objectivity, balance, and transparency in the process.

Interceptions of Tephritidae from ALL CA Ports (Attachment 3)			
Pathway	**FY06**	**FY07**	**FY08**
Airport Baggage	171	197	233
Airport Cargo	0	1	2
Airport Mail	3	1	1
Airport Quarters	0	1	4
Land Border Baggage	38	37	45
Land Border Cargo	4	1	3
Maritime Cargo	3	0	0
Total Tephritidae	**219**	**238**	**288**

Airport Pax Arrivals	**12,830,395**	**11,987,849**	**13,930,670**

APHIS Authorities/Activities Similar to Those in California Assembly Bills 2763 and 2765

- USDA APHIS derives it's authority to take actions to prevent the introduction and spread of invasive plant pests and noxious weeds from the Plant Protection Act (PPA), 7 U.S.C. 7701.
- The exclusion and detection of exotic and invasive species is mandated under the PPA.
- The PPA gives USDA authority to make a declaration of extraordinary emergency, establish quarantine zones, and prohibit or restrict the intrastate movement of plants or articles in order to prevent the dissemination of a plant pest.
- APHIS maintains a Federal list of invasive species.
- APHIS maintains written plans on the most appropriate options for detection, exclusion, eradication, control, or management of high priority invasive pests through its New Pest Response Guidelines (NPRG).
- APHIS notifies the Governor and other impacted state and local officials regarding actions taken during an emergency pest response program.
- The PPA gives USDA the authority to "cooperate with other Federal agencies or entities, States or political subdivisions of States, national governments, local governments of other nations, domestic or international organizations, domestic or international associations, and other persons" in carrying out its invasive plant pest activities.
- In certain cases, APHIS may establish a telephone hotline as part of an invasive pest outreach plan in order to respond to questions or comments from the public.

Additionally, a number of authorities included in the California Assembly bills may be similar to environmental and public health authorities found in federal laws administered by other federal agencies, such as the National Environmental Policy Act; Federal Insecticide Fungicide and Rodenticide Act; and Federal Food, Drug, and Cosmetic Act. USDA always abides by the requirements of these laws to protect public health and the environment. This can include the conduct of public meetings on proposed Federal actions and alternatives, solicitation and response to public comments, and assessment of whether a Federal action may significantly affect the quality of the human environment, including human health, among other activities.

Attachment 3

Invasive Pest Species Introductions Into the U.S.

The rates of alien pest invasions have amplified with increased trade and travel between and within continents. In the last 500 years, and expanding exponentially in the last 100 years, an increasingly large array of species have been transported to new geographic ranges that they were extremely unlikely to have reached without human assistance. Stimulated by the rapid global expansion of trade, transport, and travel, introductions of foreign invasive plants and plant pests have increased due to a corresponding increase in entry pathways.

Detections of the same species of non-native invaders is not a reappearance of an indigenous population established in California, but separate introductions of pests through international travel and trade, which have increased dramatically in volume and via new modes and pathways that facilitate the entry of known and potential pests into the United States. Genetic "fingerprinting" has produced evidence of the variety of sources of these types of separate introductions, especially as it relates to exotic fruit flies (family Tephritidae) not know to occur in the United States.

The data attached is evidence of potential for multiple reintroductions of exotic fruit flies into the United States, and is indicative of other species that also could arrive via similar pathways into various states. The table included lists interceptions from California ports of entry over a period of the last three years.

Light Brown Apple Moth EA Notice Publication

Attachment 4

NOTICE	PUBLICATION	EA PUB DATE	EA Comment Period Ended	PUBLIC MEETING	FONSI Comment Period Ended	FONSI PUB DATE/Publication	FONSI SIGNED
Isolated population EA/FONSI – Napa/Oakley	Contra Costa Times Napa Register	06/13/07, 06/17/07 06/13/07	07/13/07 07/13/07	Oakley 06/11/07 Napa 06/12/07	N/A-because EA and FONSI were published concurrently	N/A-because EA and FONSI were published concurrently	Oakley 06/12/07 Napa 06/12/07
Isolate population EA/FONSI – Sherman Oaks	L.A. Daily News	07/31/07	08/31/07	Sherman Oaks 08/08/07	N/A-because EA and FONSI were published concurrently	N/A-because EA and FONSI were published concurrently	Sherman Oaks 08/08/07
Isolated population EA – 2007 Revised	Greenfield News San Francisco Chronicle Monterey Herald San Jose Mercury News Contra Costa Times San Francisco Examiner S.F. Examiner – San Mateo	07/25/07 07/22/07 07/22/07 07/25/07 07/22/07 07/23/07 07/25/07	08/24/07	Danville 07/01/07 Dublin 07/06/07 San Jose 07/07/07 Vallejo 08/16/07 San Rafael 02/13/08 Half Moon Bay 02/19/08 Pescadero 02/19/08 Treasure Island 03/19/08 Moraga 04/02/08 Fremt/Union C. 04/16/08 Carpinteria 04/25/08 " Cupertino 04/29/08 Sonoma 06/02/08	* * * * * 03/07/08 02/29/08 02/29/08 03/26/08 04/04/08 04/18/08 04/25/08 " 05/02/08 05/30/08 05/30/08 06/20/08 08/08/08 08/08/08 08/01/08 08/22/08	08/02/07 Contra Costa Times 08/02/07 Contra Costa Times 08/03/07 San Jose Mercury News 08/15/07 Vallejo Times Herald 11/21/07 Vallejo Times Herald 01/30/08 Marin Independent Journal 01/30/08 San Mateo Daily Journal 01/30/08 San Mateo Daily Journal 02/26/08 San Francisco Chronicle 03/13/08 Contra Costa Times 03/25/08 The Argus 03/28/08 Coastal View News 03/28/08 Santa Barbara News Press 04/16/08 San Jose Mercury News 05/06/08 Santa Rosa Press Democrat 05/08/08 San Jose Mercury News 05/20/08 San Mateo Daily Journal 07/18/08 San Mateo Daily Journal 07/18/08 San Mateo Daily Journal 07/18/08 Vallejo Times Herald 07/31/08 Marin Independent Journal	Danville 08/03/07 Dublin 08/08/07 San Jose 08/08/07 Vallejo 08/21/07 Vallejo Revised 11/19/07 San Rafael 03/07/08 Half Moon Bay 02/21/08 Pescadero 02/21/08 Treasure Island 03/24/08 Moraga 04/04/08 Fremt/Union C. 04/24/08 Carpinteria 04/30/08 " " Cupertino 05/05/08 Sonoma 08/01/08 San Jose Area 06/17/08 Pescadero (Revised resulting in 08/11/08 FONSI) Pescadero 08/11/08 Half Moon Bay 08/11/08 Vallejo 08/04/08 Novato 08/26/08
EA Seaside-Marina-Monterey	Monterey Herald	07/29/07	08/29/07	Seaside 08/20/07 Monterey 08/21/08	N/A	09/08/07 Monterey Herald	09/07/07
EA North Monterey/Santa Cruz	Monterey Herald Santa Cruz Sentinel Register Pajaronian Scotts Valley Press Banner Salinas Californian	09/21/07 09/21/07 09/21/07 09/21/07 09/22/07	10/21/07	Monterey 08/29/07 Santa Cruz 10/22/07 Santa Cruz 10/23/07 Prunedale 10/24/07 Salinas 10/25/07 Salinas 10/26/07	N/A	11/02/07 Monterey Herald 11/03/07 Santa Cruz Sentinel 11/03/07 Register Pajaronian 11/02/07 Scotts Valley Press Banner 11/03/07 Salinas Californian	11/02/07
Programmatic EA	Monterey Herald Santa Cruz Sentinel San Jose Mercury News S.F. Chronicle Contra Costa Times Marin Independent Journal San Mateo Daily Journal Salinas Californian	02/15/08 02/14/08 02/14/08 02/14/08 02/15/08 02/14/08 02/14/08 02/14/08	03/17/08				

Light Brown Apple Moth EA Notice Publication

Attachment 4

* Comments received prior to the proposed date of program operations as described in the document will be considered and may result in changes to the program as it progresses.